

105TH CONGRESS
1ST SESSION

S. 6

To amend title 18, United States Code, to ban partial-birth abortions.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. SANTORUM (for himself, Mr. SMITH of New Hampshire, Mr. LOTT, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. COATS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. KYL, Mr. LUGAR, Mr. McCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. ROBERTS, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, and Mr. KEMPTHORNE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to ban partial-birth abortions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Partial-Birth Abortion
5 Ban Act of 1997”.

1 **SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.**

2 (a) IN GENERAL.—Title 18, United States Code, is
3 amended by inserting after chapter 73 the following:

4 **“CHAPTER 74—PARTIAL-BIRTH**
5 **ABORTIONS**

“Sec.
“1531. Partial-birth abortions prohibited.

6 **“§ 1531. Partial-birth abortions prohibited**

7 “(a) Whoever, in or affecting interstate or foreign
8 commerce, knowingly performs a partial-birth abortion
9 and thereby kills a human fetus or infant shall be fined
10 under this title or imprisoned not more than two years,
11 or both.

12 “(b) Subsection (a) does not apply to a partial-birth
13 abortion that is necessary to save the life of a mother be-
14 cause her life is endangered by a physical disorder, phys-
15 ical injury, or physical illness, including a life-endangering
16 physical condition caused by or arising from the pregnancy
17 itself, if no other medical procedure would suffice for that
18 purpose.

19 “(c) As used in this section—

20 “(1) the term ‘partial-birth abortion’ means an
21 abortion in which the person performing the abor-
22 tion partially vaginally delivers a living fetus before
23 killing the infant and completing the delivery; and

1 “(2) the terms ‘fetus’ and ‘infant’ are inter-
2 changeable.

3 “(d)(1) Unless the pregnancy resulted from the plain-
4 tiff’s criminal conduct or the plaintiff consented to the
5 abortion, the father, and if the mother has not attained
6 the age of 18 years at the time of the abortion, the mater-
7 nal grandparents of the fetus or infant, may in a civil ac-
8 tion obtain appropriate relief.

9 “(2) Such relief shall include—

10 “(A) money damages for all injuries, psycho-
11 logical and physical, occasioned by the violation of
12 this section; and

13 “(B) statutory damages equal to three times
14 the cost of the partial-birth abortion;
15 even if the mother consented to the performance of an
16 abortion.

17 “(e) A woman upon whom a partial-birth abortion is
18 performed may not be prosecuted under this section for
19 a conspiracy to violate this section, or an offense under
20 section 2, 3, or 4 of this title based on a violation of this
21 section.”.

22 (b) CLERICAL AMENDMENT.—The table of chapters
23 for part I of title 18, United States Code, is amended by

- 1 inserting after the item relating to chapter 73 the follow-
- 2 ing new item:

“74. Partial-birth abortions 1531”.

